

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**IN RE:  
BLUE CROSS BLUE SHIELD  
ANTITRUST LITIGATION  
(MDL NO. 2406)**

**Master File No. 2:13-CV-20000-RDP**

**This document relates to all cases**

**PLAINTIFFS' MOTION TO REOPEN THE DEPOSITIONS OF STEVEN  
OSTLUND AND MICHAEL VELEZIS AND MOTION FOR SANCTIONS**

**FILED UNDER SEAL**

Time and time again during the discovery period of this case, Blue Cross and Blue Shield of Alabama (“BCBS-AL”) has failed to follow the rules of fair play set out by this Court and the Federal Rules. Most recently, BCBS-AL counsel Carl Burkhalter unilaterally halted the deposition of Steven Ostlund, a non-party witness from the Alabama Department of Insurance (“DOI”)—who, critically, was independently represented by counsel, J. Fairley McDonald, III. Mr. Burkhalter claimed he was going to seek a protective order, as dictated by the Court in Discovery Order No. 3, but failed to do so within the time allowed by the Court.

Counsel’s failure to justify his actions proves that his real motive for cutting Mr. Ostlund’s deposition short was to impermissibly prevent unfavorable testimony regarding the level of BCBS-AL’s influence over DOI from being entered into the record. Similarly, in another recent deposition, Mr. Burkhalter instructed VP of Legal Services Michael Velezis not to answer questions about his compensation, even though there was no basis for doing so under the Federal Rules or this Court’s orders, and numerous other BCBS-AL executives have answered similar questions regarding their compensation. Enough is enough.

At its core, this case is about the Blues’ belief that they are above the rules. Apparently, BCBS-AL’s counsel believes that they are above the rules as well. Plaintiffs are done giving BCBS-AL counsel opportunities to remediate their behavior. Consequently, Plaintiffs move for the Court to enter an order reopening

Mr. Ostlund's deposition, sanctioning BCBS-AL counsel for costs associated with Mr. Ostlund's deposition, and reopening Mr. Velezis' deposition.

**I. Plaintiffs respectfully request that the Court reopen the deposition of Steven Ostlund and sanction BCBS-AL counsel for costs associated with deposing Mr. Ostlund.**

On February 5, 2018, Plaintiffs deposed Steven Ostlund from DOI. With less than an hour left in the deposition, Provider Plaintiff counsel asked Mr. Ostlund whether he had been involved in negotiating agreements between DOI and BCBS-AL regarding the amount of BCBS-AL's surplus funds in order to establish that the Consent Decree was just one of many agreements that BCBS-AL has "co-written" with DOI. Specifically, the purpose of this question was to establish a history of BCBS-AL's influence over DOI, as illustrated by agreements between DOI and BCBS-AL similar to the consent agreement that was the subject of Mr. Ostlund's deposition. Notably, Provider counsel had conveyed her intention to ask this line of questions to Mr. Ostlund's attorney prior to the deposition, and Mr. Ostlund's attorney indicated that he was open to this line of questioning. BCBS-AL counsel, however, refused to allow the witness to answer the question: "MR. BURKHALTER: I object to the form of the question. If you're going to continue to ask questions about surplus, which are unrelated to this consent order or communications, we will adjourn this deposition, I will call the Judge." Ex. A, Ostlund Deposition, 144:11–16.

Mr. Burkhalter did not call the Court. Instead, he purported to allow Provider counsel to establish a foundation for her questions. However, he shortly halted the line of questioning again:

MR. BURKHALTER: Okay. I object to the form, and I'm going to exercise my right, under the Rules and Rule 30 and Rule 37 to adjourn the deposition so that I can get a ruling on a motion for protective order that prevents the witness from answering these questions. So that's what I'm doing. If you want to ask questions in spite of that, then we'll file paperwork as necessary with the Court to address it. But, you know, that's improper. That's our view, That's my view. I'd recommend that we get on the phone and call the Judge's clerk to ask him about it.

MS. CROW: I plan on asking my questions, so –

MR. BURKHALTER: All right. Just to be clear, I'm not arguing with you, Christy. I have indicated that I would like to adjourn the deposition, which I believe is my right under the Federal Rules, to obtain an order that prevents you from going into this line of questioning, because it's beyond what the agreed-upon scope was, what the Court wanted.

*Id.* 146:16–147:13. Provider Plaintiff counsel attempted to ask additional questions, and Mr. Burkhalter requested a break. After the break, Mr.

Burkhalter reiterated his intention to adjourn the deposition:

MR. BURKHALTER: To confirm what I just said off the Record: We, Blue Cross Blue Shield of Alabama, is going to exercise its right to file a formal motion to limit the scope of these questions. And so on that basis, we ask that the deposition be adjourned, give me an opportunity to file that motion, and to have it heard expeditiously. Thank you.

*Id.* 150:11–18. Before leaving, Mr. Burkhalter reiterated that his basis for halting the deposition was in order to seek a protective order from the Court<sup>1</sup>: “I’m exercising my right, as I said, to adjourn the deposition, to file a motion and get a ruling.” *Id.* 152:4–6.<sup>2</sup>

Discovery Order No. 3 paragraph 9(c)(ii) provides:

If a deposition is suspended pursuant to Fed. R. Civ. P. 30(d)(3), the party who suspended the deposition shall file and serve a motion for a protective order under Fed. R. Civ. P. 26(c) within seven calendar (7) days of suspension of the deposition. If no motion for a protective order is filed, within fourteen (14) calendar days of the suspension of the deposition, a motion to compel and for sanctions under Fed. R. Civ. P. 37 may be filed and served.

Doc. 327 (Emphasis added). Although Mr. Burkhalter repeatedly indicated that his grounds for adjourning the deposition were that he intended to file a motion for a

---

<sup>1</sup> Provider counsel confirmed, on the record, that neither Mr. Ostlund nor his counsel felt that Provider counsel’s questions were harassing or offensive:

Q. And just for the Record, Mr. Ostlund and Mr. McDonald, were any of my questions -- I was trying to look up for the language that Carl read for us off the Record on Rule 30, and unfortunately he's faster than me. Were they offensive to you in any way?

A. [Mr. Ostlund] No.

Q. Were they harassing to you in any way?

A. No.

MS. CROW: Mr. McDonald, was I offensive to your -- the employee of the Department of Insurance, in your opinion?

MR. MCDONALD: No.

Ex. A, Steven Ostlund Deposition 150:19–151:9.

<sup>2</sup> While the witness was there, Plaintiff’s counsel asked BCBS-AL to proceed and conduct its own examination. BCBS-AL refused. As such, Plaintiffs believe BCBS-AL has waived its right to cross-examine Mr. Ostlund.

protective order, BCBS-AL failed to do so within the time frame called for by Discovery Order No. 3.<sup>3</sup> Discovery Order No. 3 is not permissive; it *requires* a party that suspends a deposition to file a motion for a protective order within seven calendar days. Moreover, there was no basis for suspending the motion.

Federal Rule of Civil Procedure 30(d)(3)(A) provides that “[a]t any time during a deposition, the deponent or a party may move to terminate or limit it on the ground that it is being conducted in bad faith or in a manner that unreasonably annoys, embarrasses, or oppresses the deponent or party.” During the deposition, both Mr. Ostlund and his attorney stated that they did not find Provider counsel’s questions harassing or offensive. *See* n. 1 *supra*. Mr. Ostlund’s testimony about DOI’s willingness to implement consent orders and other policies favorable to BCBS-AL is relevant to BCBS-AL’s status as a monopolist in the state of Alabama. To this end, BCBS-AL produced documents and voicemail recordings the day *after* Mr. Ostlund’s deposition that bear on the relationship between BCBS-AL and DOI, and about which Plaintiffs are entitled to question Mr. Ostlund. Re-opening the deposition will permit Plaintiffs to question Mr. Ostlund about these recordings. Consequently, Plaintiffs respectfully request that the Court enter an order reopening Mr. Ostlund’s deposition. Further, in light of BCBS-AL’s repeated

---

<sup>3</sup> Per Discovery Order No. 3, Mr. Burkhalter was required to file a motion for a protective order by February 12, 2018.

disregard of the rules set forth by both the Federal Rules and this Court, Plaintiffs request that the Court enter an order sanctioning BCBS-AL counsel for the costs associated with both Mr. Ostlund's February 5 deposition and the reconvening of Mr. Ostlund's deposition, and order the deposition to be reconvened at Mr. Ostlund's convenience in the next 30 days.

**II. Plaintiffs respectfully request that the Court reopen the deposition of Michael Velezis.**

During the February 8, 2018 deposition of VP of Legal Services Michael Velezis, Mr. Burkhalter instructed Mr. Velezis not to answer questions regarding his compensation:

[REDACTED]

[REDACTED]. Mr. Burkhalter had no grounds for instructing Mr. Velezis not to answer questions concerning his compensation. Federal Rule of Civil Procedure 30(c)(2) provides that “[a] person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation ordered by the court, or to present a motion under Rule 30(d)(3).” Mr. Burkhalter gave none of these reasons as grounds for instructing Mr. Velezis not to answer, and has not filed a motion for a protective order pursuant to Rule 30(b)(d)(3). The Court has previously recognized that executive compensation is relevant to this lawsuit, *see* Discovery Order No. 29 (Doc. 661) at 2, and BCBS-AL has implicitly acknowledged this by permitting other executives to testify regarding their compensation and producing documents relating to its executives’ compensation. In fact, Mr. Velezis attended several depositions during which BCBS-AL employees testified about their compensation, including those of Eddie Harris, Douglas McIntyre, and Timothy Vines. Similarly, Mr. Burkhalter defended Mr. Harris’ deposition and permitted Mr. Harris to answer questions about his compensation. There was simply no basis for Mr. Burkhalter to instruct Mr. Velezis not to answer. Accordingly, Plaintiffs respectfully request that the Court enter an order reconvening Mr. Velezis’ deposition in order for Mr. Velezis to answer questions regarding his compensation and related matters within 14 days.



Additionally, BCBS-AL produced recordings that were not available until the morning of Mr. Velezis deposition that feature Mr. Velezis and DOI officials. Re-opening the deposition will permit Plaintiffs an opportunity to question Mr. Velezis about these recordings as well. BCBS-AL provides no explanation why these voicemails were produced so late in discovery, and should not be permitted to game the system so that they cannot be used at a deposition.

### **III. Conclusion**

For the aforementioned reasons, Plaintiffs request that the Court enter an order reconvening the depositions of Steven Ostlund and Michael Velezis and sanctioning BCBS-AL counsel for improperly adjourning Mr. Ostlund's deposition.

Respectfully submitted the 16<sup>th</sup> day of February, 2018.

**Provider Track**

/s/ Joe R. Whatley, Jr.

Joe R. Whatley, Jr. – ***Co-Lead Counsel***  
W. Tucker Brown  
Helen L. Eckinger  
WHATLEY KALLAS, LLP  
2001 Park Place North  
1000 Park Place Tower  
Birmingham, AL 35203  
Tel: (205) 488-1200  
Fax: (800) 922-4851  
Email: jwhatley@whatleykallas.com  
tbrown@whatleykallas.com  
heckinger@whatleykallas.com

Edith M. Kallas – ***Co-Lead Counsel***  
Patrick J. Sheehan  
WHATLEY KALLAS, LLP  
1180 Avenue of the Americas, 20th Floor  
New York, NY 10036  
Tel: (212) 447-7060  
Fax: (800) 922-4851  
Email: ekallas@whatleykallas.com  
psheehan@whatleykallas.com

Henry C. Quillen  
WHATLEY KALLAS, LLP  
159 Middle Street, Suite 2C  
Portsmouth, NH 03801  
Tel: (603) 294-1591  
Fax: (800) 922-4851  
Email: hquillen@whatleykallas.com

**Subscriber Track**

/s/ Barry A. Ragsdale

Barry Alan Ragsdale – ***Plaintiffs' Liaison Counsel and Discovery Liaison Counsel***  
SIROTE & PERMUTT P.C.  
P.O. Box 55727  
Birmingham, AL 35255-5727  
Tel: (205) 930-5114  
Fax: (205) 212-2932  
Email: bragsdale@sirote.com

/s/ David Boies

David Boies – ***Co-Lead Counsel***  
BOIES, SCHILLER & FLEXNER  
LLP  
333 Main Street  
Armonk, NY 10504  
Tel: (914) 749-8200  
Fax: (914) 749-8200  
Email: dboies@bsfllp.com

Michael Hausfeld – ***Co-Lead Counsel***  
HAUSFELD LLP  
1700 K Street NW, Suite 650  
Washington, DC 20006  
Tel: (202) 540-7200  
Fax: (202) 540-7201  
Email: mhausfeld@hausfeldllp.com

Deborah J. Winegard  
WHATLEY KALLAS, LLP  
1068 Virginia Avenue, NE  
Atlanta, GA 30306  
Tel: (404) 607-8222  
Fax: (404) 607-8451  
Email: [dwinegard@whatleykallas.com](mailto:dwinegard@whatleykallas.com)

Chris T. Hellums – *Local Facilitating Counsel*  
PITTMAN, DUTTON & HELLUMS,  
P.C.  
2001 Park Place N, 1100 Park Place  
Tower  
Birmingham, AL 35203  
Tel: (205) 322-8880  
Fax: (205) 328-2711  
Email: [chrish@pittmandutton.com](mailto:chrish@pittmandutton.com)

E. Kirk Wood, Jr. – *Local Facilitating Counsel*  
WOOD LAW FIRM LLC  
P. O. Box 382434  
Birmingham, AL 35238  
Tel: (205) 612-0243  
Fax: (205) 705-1223  
Email: [ekirkwood1@bellsouth.net](mailto:ekirkwood1@bellsouth.net)

**Provider Track**

U.W. Clemon – ***Plaintiffs’ Steering Committee***

U. W. Clemon, LLC  
5202 Mountain Ridge Parkway  
Birmingham, AL 35222  
(205) 837-2898  
Email: clemonu@bellsouth.net

J. Mark White – ***Litigation Committee***  
Augusta S. Dowd – ***Chair, Litigation Committee***

Linda G. Flippo – ***Discovery Committee***  
WHITE ARNOLD & DOWD, P.C.  
The Massey Building  
2025 Third Avenue North, Suite 500  
Birmingham, AL 35203  
Tel: (205) 323-1888  
Fax: (205) 323-8907  
Email: adowd@whitearnolddowd.com  
mwhite@whitearnolddowd.com  
lflippo@whitearnolddowd.com

Aaron S. Podhurst – ***Plaintiffs’ Steering Committee***

Peter Prieto – ***Chair, Expert Committee***  
PODHURST ORSECK, P.A.  
Suntrust International Center  
One S.E. 3<sup>rd</sup> Avenue, Suite 2700  
Miami, FL 33131  
Tel: (305) 358-2800  
Fax: (305) 358-2382  
Email: apodhurst@podhurst.com  
pprieto@podhurst.com

**Subscriber Track**

William A. Isaacson – ***Settlement Committee & PSC Member***

BOIES, SCHILLER & FLEXNER LLP  
5301 Wisconsin Avenue NW  
Washington, DC 20015  
Tel: (202) 237-2727  
Fax: (202) 237-6131  
Email: wisaacson@bsflp.com

Gregory Davis – ***Settlement Committee & PSC Member***

DAVIS & TALIAFERRO, LLC  
7031 Halcyon Park Drive  
Montgomery, AL 36117  
Tel: (334) 832-9080  
Fax: (334) 409-7001  
Email: gldavis@knology.net

Megan Jones – ***Settlement Committee & PSC Member***

Arthur Bailey – ***Discovery Committee***  
HAUSFELD LLP  
44 Montgomery Street, Suite 3400  
San Francisco, CA 94104  
Tel: (415) 744-1970  
Fax: (415) 358-4980  
Email: mjones@hausfeldllp.com  
abailey@hausfeldllp.com

Charles Clinton Hunter  
HAYES HUNTER PC  
4265 San Felipe, Suite 1000  
Houston, TX 77027  
Tel: (281) 768-4731  
Fax: (713) 583-7047  
Email: chunter@hayeshunterlaw.com

Kathleen Chavez – *Settlement  
Committee & PSC Member*  
FOOTE, MIELKE, CHAVEZ &  
O'NEIL, LLC  
10 West State Street, Suite 200  
Geneva, IL 60134  
Tel: (630) 797-3339  
Fax: (630) 232-7452  
Email: kcc@fmcolaw.com

Dennis Pantazis – *Plaintiffs' Steering  
Committee*  
Brian Clark – *Discovery Committee*  
WIGGINS CHILDS PANTAZIS FISHER  
GOLDFARB  
The Kress Building  
301 Nineteenth Street North  
Birmingham, AL 35203  
Tel: (205) 314-0500  
Fax: (205) 254-1500  
Email: dgp@wcqp.com  
bclark@wcqp.com

Cyril V. Smith – *Settlement Committee  
& PSC Member*  
ZUCKERMAN SPAEDER, LLP  
100 East Pratt Street, Suite 2440  
Baltimore, MD 21202-1031  
Tel: (410) 949-1145  
Fax: (410) 659-0436  
Email: csmith@zuckerman.com

Dennis C. Reich – *Chair, Damages  
Committee*  
REICH & BINSTOCK, LLP  
4265 San Felipe, Suite 1000  
Houston, TX 77027  
Tel: (713) 622-7271  
Fax: (713) 623-8724  
Email: dreich@rbfirm.net

Eric L. Cramer – *Expert Committee*  
BERGER & MONTAGUE, P.C.  
1622 Locust Street  
Philadelphia, PA 19103  
Tel: 1-800-424-6690  
Fax: (215) 875-4604  
Email: ecramer@bm.net

Nicholas B. Roth – ***Chair, Discovery Committee***

Julia Smeds Roth – ***Discovery Committee***

EYSTER KEY TUBB ROTH  
MIDDLETON & ADAMS, LLP

402 East Moulton Street

Decatur, AL 35601

Tel: (256) 353-6761

Fax: (256) 353-6767

Email: nroth@eysterkey.com

jroth@eysterkey.com

Richard A. Feinstein – ***Co-Chair, Expert Committee***

Karen Dyer – ***Expert Committee***

Hamish P.M. Hume – ***Discovery Committee***

Kathleen Kiernan – ***Written***

***Submissions Committee***

BOIES, SCHILLER & FLEXNER LLP

5301 Wisconsin Avenue NW

Washington, DC 20015

Tel: (202) 237-2727

Fax: (202) 237-6131

Email: tchutkan@bsfllp.com

kdyer@bsfllp.com

hhume@bsfllp.com

kkiernan@bsfllp.com

Robert J. Axelrod – ***Chair, Written Submissions Committee***

AXELROD & DEAN LLP

830 Third Avenue, 5th Floor

New York, NY 10022

Tel: (646) 448-5263

Fax: (212) 840-8560

Email: rjaxelrod@axelroddean.com

Patrick Cafferty – ***Discovery Committee***

CAFFERTY CLOBES MERIWETHER  
& SPRENGEL LLP

101 North Main Street, Suite 565

Ann Arbor, MI 48104

Tel: (734) 769-2144

Fax: (734) 769-1207

Email: pcafferty@caffertyclobes.com

Van Bunch – ***Chair, Class Certification Committee***

BONNETT FAIRBOURN FRIEDMAN  
&

BALINT, P.C.

2325 E. Camelback Road, Suite 300

Phoenix, AZ 85016

Tel: (602) 274-1100

Fax: (602) 274-1199

Email: vbunch@bffb.com

Bryan Clobes – ***Litigation Committee***

Ellen Meriwether – ***Written***

***Submissions Committee***

CAFFERTY CLOBES MERIWETHER  
& SPRENGEL LLP

1101 Market Street, Suite 2650

Philadelphia, PA 19107

Tel: (215) 864-2800

Fax: (215) 864-2810

Email: bclobes@caffertyclobes.com

emeriwether@caffertyclobes.com

David A. Balto – ***Expert Committee***  
DAVID A. BALTO LAW OFFICES  
1350 I Street, N.W., Suite 850  
Washington, DC 20005  
Tel: (202) 789-5424  
Fax: (202) 589-1819  
Email: david.balto@dcantitrustlaw.com

Douglas Dellaccio – ***Litigation Committee***  
CORY WATSON CROWDER &  
DEGARIS, P.C.  
2131 Magnolia Avenue, Suite 200  
Birmingham, AL 32505  
Tel: (205) 328-2200  
Fax: (205) 324-7896  
Email: ddellaccio@cwcd.com

Peter H. Burke – ***Class Certification Committee***  
J. Allen Schreiber – ***Litigation Committee***  
BURKE HARVEY, LLC  
3535 Grandview Parkway  
Suite 100  
Birmingham, AL 35243  
Tel: (205) 930-9091  
Fax: (205) 930-9054  
Email: pburke@burkeharvey.com  
aschreiber@burkeharvey.com

Chris Cowan – ***Damages Committee***  
THE COWAN LAW FIRM  
One Meadows Building  
5005 Greenville Avenue, Suite 200  
Dallas, TX 75206  
Tel: (214) 826-1900  
Fax: (214) 826-8900  
Email: chris@cowanlaw.net

Richard S. Frankowski – ***Discovery Committee***  
THE FRANKOWSKI FIRM, LLC  
231 22<sup>nd</sup> Street South, Suite 203  
Birmingham, AL 35233  
Tel: (205) 390-0399  
Fax: (205) 390-1001  
Email: richard@frankowskifirm.com

Edwin J. Kilpela, Jr.  
Benjamin Sweet – ***Litigation Committee***  
CARLSON LYNCH LTD  
115 Federal St., Suite 210  
Pittsburgh, PA 15212  
Tel: (412) 322-9243  
Fax: (412) 231-0246  
Email: ekilpela@carlsonlynch.com  
bsweet@carlsonlynch.com

John C. Davis – ***Written Submissions Committee***

LAW OFFICE OF JOHN C. DAVIS  
623 Beard Street  
Tallahassee, FL 32303  
Tel: (850) 222-4770  
Email: john@johndavislaw.net

Robert M. Foote – ***Damages Committee***

FOOTE, MIELKE, CHAVEZ &  
O'NEIL, LLC  
10 West State Street, Suite 200  
Geneva, IL 60134  
Tel: (630) 797-3339  
Fax: (630) 232-7452  
Email: rmf@fmcolaw.com

Lynn W. Jinks, III – ***Expert Committee***

Christina D. Crow – ***Discovery Committee***

JINKS CROW & DICKSON, P.C.  
219 North Prairie Street  
Union Springs, AL 36089  
Tel: (334) 738-4225  
Fax: (334) 738-4229  
Email: ljinks@jinkslaw.com  
ccrow@jinkslaw.com

Charles T. Caliendo – ***Class Certification Committee***

GRANT & EISENHOFER  
485 Lexington Avenue  
New York, NY 10017  
Tel: (646) 722-8500  
Fax: (646) 722-8501  
Email: ccaliendo@gelaw.com

W. Daniel Miles, III – ***Written Submissions Committee***

BEASLEY ALLEN CROW METHVIN  
PORTIS  
& MILES, P.C.  
218 Commerce Street  
Montgomery, AL 36104  
Tel: (800) 898-2034  
Fax: (334) 954-7555  
Email: dee.miles@beasleyallen.com

Robert Eisler – ***Discovery Committee***

GRANT & EISENHOFER  
123 Justison Street  
Wilmington, DE 19801  
Tel: (302) 622-7000  
Fax: (302) 622-7100  
Email: reisler@gelaw.com



Joey K. James – ***Litigation Committee***  
BUNCH & JAMES  
P. O. Box 878  
Florence, AL 35631  
Tel: (256) 764-0095  
Fax: (256) 767-5705  
Email: joey@bunchandjames.com

David Guin – ***Chair, Written Submissions Committee***  
Tammy Stokes – ***Damages Committee***  
GUIN, STOKES & EVANS, LLC  
The Financial Center  
505 20th Street North, Suite 1000  
Birmingham, AL 35203  
Tel: (205) 226-2282  
Fax: (205) 226-2357  
Email: davidg@gseattorneys.com  
tammys@gseattorneys.com

Mark K. Gray – ***Discovery Committee***  
GRAY & WHITE  
713 E. Market Street, Suite 200  
Louisville, KY 40202  
Tel: (502) 805-1800  
Fax: (502) 618-4059  
Email: mgray@grayandwhitelaw.com

Daniel Gustafson – ***Litigation Committee***  
Daniel C. Hedlund – ***Damages Committee***  
GUSTAFSON GLUEK PLLC  
120 South Sixth Street, Suite 2600  
Minneapolis, MN 55402  
Tel: (612) 333-8844  
Fax: (612) 339-6622  
Email: dgustafson@gustafsongluek.com  
dhedlund@gustafsongluek.com

Stephen M. Hansen – ***Class Certification Committee***  
LAW OFFICE OF STEPHEN M.  
HANSEN  
1821 Dock Street  
Tacoma, WA 98402  
Tel: (253) 302-5955  
Fax: (253) 301-1147  
Email: steve@stephenmhansenlaw.com

Brent Hazzard – ***Litigation Committee***  
HAZZARD LAW, LLC  
447 Northpark Drive  
Ridgeland, MS 39157  
Tel: (601) 977-5253  
Fax: (601) 977-5236  
Email: brenthazzard@yahoo.com

Harley S. Tropin – *Damages Committee*  
Javier A. Lopez – *Discovery Committee*  
KOZYAK TROPIN &  
THROCKMORTON, P.A.  
2525 Ponce De Leon Boulevard, 9th Floor  
Miami, FL 33134  
Tel: (305) 372-1800  
Fax: (305) 372-3508  
Email: hst@kttl.com  
jal@kttl.com

John Saxon – *Litigation Committee*  
JOHN D. SAXON, P.C.  
2119 3rd Avenue North  
Birmingham, AL 35203-3314  
Tel: (205) 324-0223  
Fax: (205) 323-1583  
Email: jsaxon@saxonattorneys.com

C. Wes Pittman – *Settlement Committee*  
THE PITTMAN FIRM, P.A.  
432 McKenzie Avenue  
Panama City, FL 32401  
Tel: (850) 784-9000  
Fax: (850) 763-6787  
Email: wes@pittmanfirm.com

Lawrence Jones – *Damages Committee*  
JONES WARD PLC  
312 South Fourth Street, Sixth Floor  
Louisville, KY 40202  
Tel: (502) 882-6000  
Email: larry@jonesward.com

Robert B. Roden – *Litigation Committee*  
SHELBY RODEN, LLC  
2956 Rhodes Circle  
Birmingham, AL 35205  
Tel: (205) 933-8383  
Fax: (205) 933-8386  
Email: rroden@shelbyroden.com

Andrew Lemmon – *Chair, Discovery Committee*  
LEMMON LAW FIRM  
650 Poydras Street, Suite 2335  
New Orleans, LA 70130  
Tel: (504) 581-5644  
Fax: (504) 581-2156  
Email: andrew@lemmonlawfirm.com

Gary E. Mason – *Class Certification Committee*  
WHITFIELD BRYSON & MASON, LLP  
1625 Massachusetts Ave. NW, Suite 605  
Washington, DC 20036  
Tel: (202) 429-2290  
Fax: (202) 640-1160  
Email: gmason@wbmlp.com

Virginia Buchanan – *Chair, Class Certification Committee*  
LEVIN PAPANTONIO THOMAS  
MITCHELL RAFFERTY &  
PROCTOR, P.A.  
316 South Baylen Street, Suite 600  
Pensacola, FL 32502  
Tel: (850) 435-7000  
Fax: (850) 435-7020  
Email: vbuchanan@levinlaw.com

Lance Michael Sears  
SEARS & SWANSON, P.C.  
First Bank Building  
2 North Cascade Avenue, Suite 1250  
Colorado Springs, CO 80903  
Tel: (719) 471-1984  
Fax: (719) 577-4356  
Email: lance@searsassociates.com

Michael C. Dodge – *Expert Committee*  
GLAST PHILLIPS & MURRAY, P.C.  
14801 Quorum Drive, Suite 500  
Dallas, TX 75254  
Tel: (972) 419-7172  
Email: mdodge@gpm-law.com

Michael E. Gurley, Jr. – *Discovery Committee*  
Attorney at Law  
24108 Portobello Road  
Birmingham, AL 35242  
Tel: (205) 908-6512  
Email: mgurleyjr@yahoo.com

Robert Methvin – *Chair, Settlement Committee*  
James M. Terrell – *Class Certification Committee*  
MCCALLUM, METHVIN &  
TERRELL, P.C.  
The Highland Building  
2201 Arlington Avenue South  
Birmingham, AL 35205  
Tel: (205) 939-0199  
Fax: (205) 939-0399  
Email: rgm@mmlaw.net  
jterrell@mmlaw.net

Michael McGartland – *Class Certification Committee*  
MCGARTLAND & BORCHARDT  
LLP  
1300 South University Drive, Suite 500  
Fort Worth, TX 76107  
Tel: (817) 332-9300  
Fax: (817) 332-9301  
Email: mike@attorneysmb.com

H. Lewis Gillis – *Co-Head Chair, Litigation Committee*  
MEANS GILLIS LAW, LLC  
3121 Zelda Court  
Montgomery, AL 36106  
Tel: 1-800-626-9684  
Email: hlgillis@tmgsllaw.com

Myron C. Penn – ***Discovery Committee***  
PENN & SEABORN, LLC  
53 Highway 110  
Post Office Box 5335  
Union Springs, AL 36089  
Tel: (334) 738-4486  
Fax: (334) 738-4432  
Email: myronpenn28@hotmail.com

J. Preston Strom, Jr. – ***Litigation Committee***  
STROM LAW FIRM, LLC  
2110 N. Beltline Boulevard, Suite A  
Columbia, SC 29204-3905  
Tel: (803) 252-4800  
Fax: (803) 252-4801  
Email: petestrom@stromlaw.com

Thomas V. Bender – ***Discovery Committee***  
WALTERS BENDER STROHBEHN  
& VAUGHAN, P.C.  
2500 City Center Square, 1100 Main  
Kansas City, MO 64105  
Tel: (816) 421-6620  
Fax: (816) 421-4747  
Email: tbender@wbsvlaw.com

David J. Hodge – ***Chair, Settlement Committee***  
MORRIS, KING & HODGE  
200 Pratt Avenue NE  
Huntsville, AL 35801  
Tel: (256) 536-0588  
Fax: (256) 533-1504  
Email: lstewart@alinjurylaw.com

Dianne M. Nast – ***Class Certification Committee***  
NASTLAW LLC  
1101 Market Street, Suite 2801  
Philadelphia, PA 19107  
Tel: (215) 923-9300  
Fax: (215) 923-9302  
Email: dnast@nastlaw.com

Patrick W. Pendley – ***Chair, Damages Committee***  
Christopher Coffin – ***State Liaison Committee***  
PENDLEY, BAUDIN & COFFIN, LLP  
Post Office Drawer 71  
Plaquemine, LA 70765  
Tel: (225) 687-6369  
Email: pwpendley@pbclawfirm.com  
ccoffin@pbclawfirm.com

Michael L. Murphy – ***Discovery Committee***

BAILEY GLASSER LLP  
910 17<sup>th</sup> Street, NW, Suite 800  
Washington, DC 20006  
Tel: (202) 463-2101  
Fax: (202) 463-2103  
Email: mmurphy@baileyglasser.com

Edgar D. Gankendorff – ***Co-Head Chair, Litigation Committee***

Eric R.G. Belin – ***Damages Committee***  
PROVOSTY & GANKENDORFF, LLC  
650 Poydras Street, Suite 2700  
New Orleans, LA 70130  
Tel: (504) 410-2795  
Fax: (504) 410-2796  
Email: egankendorff@provostylaw.com  
ebelin@provostylaw.com

Gregory S. Cusimano – ***Litigation Committee***

CUSIMANO, ROBERTS & MILLS, LLC  
153 South 9<sup>th</sup> Street  
Gadsden, AL 35901  
Phone: (256) 543-0400  
Fax: (256) 543-0488  
Email: greg@alalawyers.net

Richard Rouco – ***Written Submissions Committee***

QUINN, CONNOR, WEAVER,  
DAVIES & ROUCO LLP  
Two North Twentieth Street  
2 – 20<sup>th</sup> Street North, Suite 930  
Birmingham, AL 35203  
Tel: (205) 870-9989  
Fax: (205) 870-9989  
Email: rrouco@qcwdr.com

Brian E. Wojtalewicz  
WOJTALEWICZ LAW FIRM, LTD.  
139 N. Miles Street  
Appleton, MN 56208  
Tel: (320) 289-2363  
Fax: (320) 289-2369  
Email: brian@wojtalewiczlawfirm.com

Garrett Blanchfield – ***Written Submissions Committee***  
REINHARDT, WENDORF &  
BLANCHFIELD  
E-1250 First National Bank Building  
332 Minnesota Street  
St. Paul, MN 55101  
Tel: (651) 287-2100  
Fax: (651) 287-2103  
Email: g.blanchfield@rwblawfirm.com

Archie C. Lamb, Jr.  
ARCHIE LAMB & ASSOCIATES, LLC  
301 19<sup>th</sup> Street North, Suite 585  
The Kress Bldg.  
Birmingham, AL 35203-3145  
(205) 458-1210  
Email: alamb@archielamb.com

Paul Lundberg  
LUNDBERG LAW, PLC  
600 4<sup>TH</sup> Street, Suite 906  
Sioux City, IA 51101  
Tel: (712) 234-3030  
Fax: (712) 234-3034  
Email: paul@lundberglawfirm.com

Jessica Dillon  
Ray R. Brown  
Molly Brown  
DILLON & FINDLEY, P.C.  
1049 W. 5<sup>th</sup> Avenue, Suite 200  
Anchorage, AK 99501  
Tel: (907) 277-5400  
Fax: (907) 277-9896  
Email: Jessica@dillonfindley.com  
Ray@dillonfindley.com  
Molly@dillonfindley.com

Jason Thompson – ***Damages  
Committee***  
SOMMERS SCHWARTZ  
One Towne Square, 17th Floor  
Southfield, MI 48076  
Tel: (248) 355-0300  
Email: jthompson@sommerspc.com

Larry McDevitt – ***Chair, Class  
Certification Committee***  
David Wilkerson – ***Discovery  
Committee***  
VAN WINKLE LAW FIRM  
11 North Market Street  
Asheville, NC 28801  
Tel: (828) 258-2991  
Email: lmcdevitt@vwlawfirm.com  
dwilkerson@vwlawfirm.com

Carl S. Kravitz – ***Co-Chair, Expert  
Committee***  
ZUCKERMAN SPAEDER LLP  
1800 M Street NW, Suite 1000  
Washington, DC 20036-5807  
Tel: (202) 778-1800  
Fax: (202) 822-8106  
Email: ckravitz@zuckerman.com

James Redmond  
Cynthia C. Moser  
HEIDMAN LAW FIRM  
1128 Historic 4<sup>th</sup> Street  
P. O. Box 3086  
Sioux City, IA 51101  
Tel: (712) 255-8838  
Fax (712) 258-6714  
Email: Jim.Redmond@heidmanlaw.com  
Cynthia.Moser@heidmanlaw.com

Gwen Simons  
Simons & Associates Law, P.A.  
P.O. Box 1238  
Scarborough, ME 04070-1238  
Tel: (207) 205-2045  
Fax: (207) 883-7225  
Email: gwen@simonsassociateslaw.com

**CERTIFICATE OF SERVICE**

I certify that on February 16, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Joe R. Whatley, Jr.  
Joe R. Whatley, Jr.